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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,654	10/02/2000	Michael James Knee	87805-9010	9007

7590 10/21/2004

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EXAMINER
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VO, TUNG T

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b> 09/600,654	<b>Applicant(s)</b> KNEE, MICHAEL JAMES	
	<b>Examiner</b> Tung T. Vo	<b>Art Unit</b> 2613	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 23 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 03 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-23.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Tung T. Vo  
Primary Examiner  
Art Unit: 2613

Continuation of 5. does NOT place the application in condition for allowance because: all limitations in the claims have been addressed in the previous Office Action mailed on 04/09/04 and the attachment. .

***Response to Arguments***

1. Applicant's arguments filed 08/23/04 have been fully considered but they are not persuasive.

The applicant argued "passing the representation along a video pathway with the input video signal", "the taking of compression coding decisions in a compression coding step", "downstream of video pathway compression encoding the input video signal", "bit rate and the taking quantizer decision" are not taught in the "673 patent", pages 6-8 of the remark.

The examiner respectfully disagrees with the applicant. It is submitted that analyzing an input video signal (VIDEO) at a picture rate (111 of fig. 5) and at a macroblock rate (112 of fig. 5; see also col. 4, lines 5-30), and taking compression coding decisions (146 and 60 of fig. 5) including picture rate coding decisions and macroblock rate coding decisions (col. 5, line 63 through col. 6, line 40); forming a presentation of the coding decisions (MOTION VECTOR and MACROBLOCK TYPE DATA (MBT) of fig. 5); outputting said representations from the compression coding step (MOTION VECTOR and MACROBLOCK TYPE DATA (MBT) of figure 5 are outputted to the VLC (134 of fig. 5)) and passing the representation along a video pathway with input video signal (134 of fig. 5, e.g. where the MOTION VECTOR and MACROBLOCK DATA along with a video pathway, where the input video is inputting to the compression encoding process (116, 118, 120 and 124 of fig. 5)); and downstream of the video pathway compression encoding the input video signal in accordance with said coding decisions (116, 118, 120, 124 of fig. 5, e.g. called downstream compression encoding the input (VIDEO) based on the coding decisions (144 of fig. 5)), wherein the quantizer control is capable of

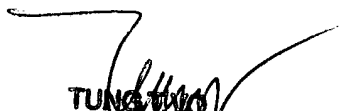
controlling the bit rate by adjusting the quantizer scale  $q$  for each I, P, or B picture. In view of the discussion above, Kodama still anticipates the claimed features.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
TUNG T. VO  
PATENT EXAMINER

T.Vo

Tung T. Vo  
Primary Examiner  
Art Unit 2613